

SENATE BILL 335

By McNally

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 2, Part 1; Title 68, Chapter 11, Part 2 and Title 68, Chapter 11, Part 3, relative to destruction of certain medical records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-2-101, is amended by adding the following language as a new, appropriately designated subsection:

(l) At least thirty (30) calendar days prior to destroying medical records that relate directly to the care and treatment of a patient, a health care provider regulated pursuant to this title shall send notification of the pending destruction of such records to the last known address of the patient, unless the health care provider has sound reason to believe that the patient is deceased.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following language as a new, appropriately designated section:

§ 68-11-266. At least thirty (30) calendar days prior to destroying medical records that relate directly to the care and treatment of a patient, a health care facility licensed pursuant to § 68-11-204 shall send notification of the pending destruction of such records to the last known address of the patient, unless the health care facility has sound reason to believe that the patient is deceased. As used in this section, "medical records" means all medical histories, records, reports and summaries, diagnoses, prognoses, records of treatment and medication ordered and given, X-ray and radiology interpretations, physical therapy charts and notes, and lab reports. The provisions of this section do not apply to any hospital subject to the provisions of § 68-11-305(c)(3).

SECTION 3. Tennessee Code Annotated, Section 68-11-305(c), is amended by adding the following language as a new, appropriately designated subdivision:

(3) At least thirty (30) calendar days prior to destroying hospital records that relate directly to the care and treatment of a patient, a hospital shall send notification of the pending destruction of such records to the last known address of the patient, unless the hospital has sound reason to believe that the patient is deceased.

SECTION 4. This act shall take effect July 1, 2007, the public welfare requiring it.